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Attorneys for Defendant
Fireman's Fund Insurance Company

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EUGENE J. BURGER, an individual;
EUGENE BURGER MANAGEMENT
CORPORATION, a California corporation;
EUGENE BURGER MANAGEMENT
CORPORATION, a Nevada corporation;
and EUGENE BURGER MANAGEMENT
CORPORATION, a Texas corporation, in
their corporate capacities; and other named
plaintiffs as listed in Appendix A to
Plaintiffs' Fifth-Amended Complaint,

Plaintiffs,

vs.

MICHAEL B. KUIMELIS, individually and
doing business as MBK INSURANCE
SERVICES; MBK INSURANCE
SERVICES; KATIE LUCEY (also known
as KATIE O'LEARY); ACORDIA LLOYD
INSURANCE SERVICES; THE
TRAVELERS INSURANCE
COMPANIES; THE TRAVELERS
INDEMNITY COMPANY OF ILLINOIS;
THE TRAVELERS LLOYDS COMPANY;
and FIREMAN'S FUND INSURANCE
COMPANY,

Defendants.

AND RELATED CROSS-COMPLAINT

No. C-02-2309 VRW

STIPULATION OF DISMISSAL OF
FIREMAN'S FUND INSURANCE
COMPANY

[F.R.C.P. 41(a)(1)(ii)]

Dept: Department 6, 17th Floor
Judge: Honorable Vaughn R. Walker

SONNENSCHN NATH & ROSENTHAL LLP
685 MARKET STREET, 6TH FLOOR
SAN FRANCISCO, CALIFORNIA 94105
(415) 882-5000

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), plaintiffs Eugene Burger, et al. and defendant Fireman's Fund Insurance Company ("Fireman's Fund"), through their designated counsel, hereby agree that the above-captioned action against Fireman's Fund shall be dismissed with prejudice. Each party shall bear his or its own costs and attorneys' fees. The parties respectfully request that the Court approve and give effect to this dismissal.

IT IS SO STIPULATED.

Dated: 12/20, 2005

TOPEL & GOODMAN

By 

MARCUS S. TOPEL

Attorney for Plaintiffs Eugene J. Burger, and Project Plaintiffs Griffin House, Vacaville Park Apartments and Village Gardens, Limited

Dated: _____, 2005

BECK LAW OFFICES

By _____

DANIEL B. BECK

Attorney for EBMC, California; EBMC, Nevada, EBMC, Texas, and Project Plaintiffs for which an EBMC entity serves as General Partner or Management Agent

Dated: 11/28/05, 2005

SONNENSCHN NATH & ROSENTHAL LLP

By 

PAUL E.B. GLAD

Attorney for Defendant
FIREMAN'S FUND INSURANCE COMPANY

IT IS SO ORDERED.

Dated: _____

The Honorable Vaughn R. Walker
United States District Judge

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), plaintiffs Eugene Burger, et al. and defendant Fireman's Fund Insurance Company ("Fireman's Fund"), through their designated counsel, hereby agree that the above-captioned action against Fireman's Fund shall be dismissed with prejudice. Each party shall bear his or its own costs and attorneys' fees. The parties respectfully request that the Court approve and give effect to this dismissal.

IT IS SO STIPULATED.

Dated: _____, 2005

TOPEL & GOODMAN

By


MARCUS S. TOPEL

Attorney for Plaintiffs Eugene J. Burger, and Project Plaintiffs Griffin House, Vacaville Park Apartments and Village Gardens, Limited

Dated: 1/9/, 2006

BECK LAW OFFICES

By


DANIEL B. BECK

Attorney for EBMC, California; EBMC, Nevada, EBMC, Texas, and Project Plaintiffs for which an EBMC entity serves as General Partner or Management Agent

Dated: 11/28/, 2005

SONNENSCHN NATH & ROSENTHAL LLP

By


PAUL E.B. GLAD

Attorney for Defendant
FIREMAN'S FUND INSURANCE COMPANY

IT IS SO ORDERED.

Dated: April 20, 2006


The Honorable Vaughn R. Walker
United States District Judge